IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 12470 of 2007(H)

PETITIONER:

M.PHALGUNAN, MELEDATH HOUSE,
PAYYAVUR AMSOM, DESOM, KANNUR
DISTRICT.

BY ADV. SRI.MOHAN C.MENON

RESPONDENTS:
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1. THE COMMISSIONER, HR & CE
(ADMINISTRATION) DEPARTMENT,
KOZHIKODE.

2. PAYYAVOOR DEVASWOM, TALIPARAMBA
TALUK, KANNUR DISTRICT, REPRESENTED BY
ITS EXECUTIVE OFFICER.

3. MR.MULLAPPALLY CHACKO,
CHAMATHACHAL POST, TALIPARAMBA TALUK,
KANNUR DISTRICT.

4. MRS.LISSY CHACKO, W/O.MULLAPPALLY
CHACKO, CHAMATHACHAL POST, TALIPARAMBA
TALUK, KANNUR DISTRICT.

5. MRS.DIGI SUNNI, W/O.SUNNI,
CHAMATHACHAL POST, TALIPARAMBA TALUK,
KANNUR DISTRICT.

BY ADV. SRI.J.S.AJITHKUMAR FOR R2
SRI.MILLU DANDAPANI
GOVERNMENT PLEADER K.SANDHESH RAJA
SUMATHI DANDAPANI(SR) FOR R3, R4 AND R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF ADANGAL EXTRACT COVERING R.S.NO.55

EXT.P2- TRUE COPY OF REPORT WITH SKETCH SUBMITTED BY SPECIAL TEAM BEFORE THE 1ST RESPONDENT

EXT.P3- TRUE COPY OF ORDER IN C.R.P.NO.1561/90 DATED 10.12.96

EXT.P4- TRUE COPY OF COUNTER AFFIDAVIT FILED BY THE 1ST RESPONDENT IN W.P.(C) 8279/05

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

W.P.(C). 12470/2007

Dated this the 25th day of July, 2007

JUDGMENT

Radhakrishnan, J.

Writ petition is preferred praying for a writ of mandamus directing the first respondent, Commissioner, HR &CE Department, to intervene in the matter and do the needful for protecting, preserving and securing the interest of the Hindu Religious Institution viz., Payyavoor Siva Temple and immovable properties of the Temple.

2. On verification, it is seen that special team of protection of Temple properties submitted a detailed Ext.P2 report to the Commissioner, HR &CE, the first respondent. Contention of the petitioner is that the property which is being used for Temple ceremonies, belongs to Devaswam. Various contentions have been raised by counsel on either side. We are not expressing any opinion on the contentions raised by the parties.

3. Considering the facts and circumstances, we are inclined to dispose of this writ petition directing the Commissioner, HR & CE Department, to take appropriate

action in the matter on the basis of Ext.P2 in accordance with law.

4. Learned Government Pleader, on instructions, submitted that on the basis of Ext.P2 report, Commissioner, HR & CE Department, has already directed the Devaswam Authorities to take action. Commissioner would take further follow up action.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs